

Das Commission Report

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Shri Yashpal Singh:
 Shri D. C. Sharma:
 Shri Vishram Prasad:
 Shri Bade:
 Shri P. Venkatasubbalah:
 Shri Rameshwar Tantia:
 Shri Himatsingka:
 Shri B. P. Yadava:
 Shri Bishanchander Seth:
 Shri Dhaon:
 Shri Onkar Lal Berwa:
 Shri Prakash Vir Shastri:
 Shri Jagdev Singh Siddhanti:
 Dr. L. M. Singhvi:
 Shri S. M. Banerjee:
 Shri Hem Raj:
 Shri Shree Narayan Das:
 Shri Solanki:
 Shri Narasimha Reddy:
 Shri P. R. Chakraverti:
 Shri P. C. Borooah:
 Shri Dinen Bhattacharya:
 Dr. Saradish Roy:
 Dr. Ranen Sen:
 Shri Harish Chandra Mathur:
 Shri A. S. Saigal:
 Shri Daljit Singh:
 Shrimati Renu Chakravartty:
 Shri Kolla Venkaiah:
 Shri Indrajit Gupta:
 Shri Hukam Chand
 Kachhavaia:
 Shri Balmiki:
 Shri Mohan Swarup:
 Shri Bibhuti Mishra:
 Shri K. N. Tiwary:
 Shri P. K. Deo:
 Shri Gulshan:
 Shri Vishwa Nath Pandey:
 Shri Krishnapal Singh:
 Shri M. L. Jadhav:
 Shri Vasudevan Nair:
 Shri Mohammad Elias:
 Shri Hari Vishnu Kamath:
 Shri H. N. Mukerjee:
 Shri Kishen Pattnayak:
 Shri Ram Sewak Yadav:
 Shrimati Renuka Barkataki:

Will the Minister of Home Affairs be pleased to state:

(a) whether the Special Police Establishment has been directed to look into the cases of corruption mentioned in the Das Commission Report; and

(b) if so, the cases so far investigated into and the action taken thereon?

The Minister of State in the Ministry of Home Affairs (Shri Hathi): (a) No, Sir.

(b) Does not arise.

श्री यशपाल सिंह : क्या यह सच है कि पंजाब के मुख्य सचिव श्री जान सिंह कल्लन ने भूतपूर्व मंत्री जी के हक में कुछ अभिलेख दायर किये थे और दास कमीशन ने उन को इनोर् किया है, अगर हाँ, तो उन के खिलाफ कार्यवाही क्यों नहीं की गई ?

Shri Hathi: The question is about the SPE investigating the case. The other cases are being investigated by the Punjab Government.

श्री यशपाल सिंह : क्या मैं जान सकता हूँ कि कुल कितने अप्रसर ऐसे हैं जिन के कि खिलाफ इल्जाम लगाया गया है और जिन के कि खिलाफ मुकद्दमे चलाये जायेंगे ?

Shri Hathi: The officer on special duty who is now investigating into these cases is at this work. I had a discussion with Chief Minister only yesterday. He feels that by the 15th of this month, the special officer will be able to give a report as to who are the officers against whom action should be taken.

श्री जगदेव सिंह सिद्धान्ती : क्या सरकार का ध्यान इन समाचारों की ओर दिलाया गया है कि पंजाब के भूतपूर्व मुख्य मंत्री सरदार प्रताप सिंह कैरों के लड़कों का बहुत सारा धन देश से बाहर के बैंकों में या और जगहों पर जमा है और यह कि वह हिन्दुस्तान को छोड़ कर बाहर जाने की कोशिश कर रहे हैं ?

Shri Hathi: As I said, these matters are being investigated by the Punjab Government.

श्री श्रीकार लाल बरवा : जो व्यक्ति न तो भूतपूर्व मंत्री है और न अब मंत्री है और दास कमीशन की रिपोर्ट में भी जिन का नाम नहीं है, किन्तु वे इस घ्रष्टाचार में शामिल थे। मैं यह जानना चाहता हूँ कि क्या उन अधिकारियों के खिलाफ भी कोई कदम उठाया जायगा।

Shri Hathi: This investigation which is being done by the Special Officer will naturally deal with, I think, five categories of persons—one is Pratap Singh Kairon himself, second is his relations, third is officials and non-officials whose names have been mentioned by the Commission, four this non-officials whose names have been mentioned in the Commission's Report and fifth is officials and non-officials whose names are not mentioned but who may have to do something by way of illegal or improper conduct or work of commission or omission during the investigations.

श्री गुलशन : क्या सरकार का ध्यान इन समाचारों की ओर दिलाया गया है कि श्री कैरो के परिवार के मैम्बर टैक्स से बचने के लिये अपनी सम्पत्ति बेच डालने की कोशिश कर रहे थे? क्या यह भी बताया जायगा कि उन के जिम्मे टैक्स की कितनी रकम बाकी है?

श्री हाथी : टैक्स के बारे में मुझे कोई जानकारी नहीं है। But the Government is looking into that.

श्री रामेश्वरानन्द : कैरो परिवार के सदस्यों के आय-कर की जांच करने के लिए वित्त मंत्रालय ने जो विशेष अदालत नियुक्त की है, उस के कार्य में कितनी प्रगति हुई है? क्या यह सही है कि कैरो परिवार के सदस्यों ने आय-कर से बचने का यत्न किया है?

Mr. Speaker: He wants to know how far the progress of that investigation has advanced.

Shri Hathi: I have no information, So far as tax evasions are concerned, officials of the Finance Ministry are looking into it.

Shri P. Venkatasubbaiah: Pending final report of the Special Officer, may I know whether any request has been made by the provincial government to loan the services of some central officers to be posted in Punjab so that the officers who are under cloud as per Das Commission's Report may be kept under suspension?

Shri Hathi: So far we have not received any request for the services of many officers. They wanted an officer for conducting the enquiry into all these, and that we have already given.

श्री क० ना० तिवारी : पंजाब के हालात को दृष्टि में रखते हुए क्या केन्द्रीय सरकार यह उचित नहीं समझती है कि दास कमीशन की रिपोर्ट के अनुसार जो भी एन्क्वायरी हो, वह प्राविशल गवर्नमेंट के द्वारा न करा कर स्वयं केन्द्र के द्वारा कराई जाये?

Shri Hathi: No. A special officer has been deputed from here and he is looking into it.

श्री प्रकाशबीर शास्त्री : सुप्रीम कोर्ट ने अभी हाल में एक निर्णय दिया है, जिस के अनुसार घ्रष्टाचार निवारण अधिनियम की धारा 5 के अन्तर्गत मिनिस्टर्ज को पब्लिक सर्वेन्ट्स, लोक-सेवकों, की श्रेणी में रखा गया है। क्या सुप्रीम कोर्ट का वह निर्णय कैरो और उन के सहयोगियों पर भी लागू होगा, और श्री दास की रिपोर्ट के जो निष्कर्ष निकले हैं, क्या उन के आधार पर उन पर मामले दायर किये जायेंगे?

अध्यक्ष महोदय : यह तो लीगल एडवाइस का सवाल है।

श्री प्रकाशबीर शास्त्री : यह सीधा सवाल है। सुप्रीम कोर्ट का निर्णय क

अध्यक्ष महोदय : यह इतना सीधा है कि पूछने की जरूरत नहीं है ।

श्री प्रकाशवीर शास्त्री : उन पर मामले दायर नहीं किए गए हैं, इसलिये मैं यह प्रश्न पूछ रहा हूँ ।

Mr. Speaker: Application of a law cannot be asked here. That is for the Law Ministry to decide.

Shri Hari Vishnu Kamath: Have reports been received that the investigations by the Special Police Establishment are being hampered by the destruction of or tampering with relevant files, and as a part of the follow-up action does Government propose also to confiscate the ill-gotten assets of the former Chief Minister and debar him from public office?

Shri Hathi: If I heard the hon. Member aright, he said "investigations by the Special Police Establishment are being hampered".

Mr. Speaker: Pending investigations, he feels that some files and documents are being destroyed.

Shri Hathi: The Special Police Establishment are not looking into this case at all. The Punjab Government has not proposed to hand this over to the S.P.E. It is for the Punjab Government to take the necessary steps.

Shri Hari Vishnu Kamath: Investigations by the S.P.E. are being hampered.

Mr. Speaker: No investigation is being done by the S.P.E.

Shri Hathi: They are not doing it.

Shri Hari Vishnu Kamath: The special officers appointed are doing it.

Mr. Speaker: That is by the Punjab Government.

Shri Hari Vishnu Kamath: The second part of the question may be answered.

Mr. Speaker: Will he kindly resume his seat? I will give him an opportunity later.

Shri Kapur Singh: May I ask in all humility . . .

Mr. Speaker: Why "in all humility"? Every member has the right to ask questions.

Shri Kapur Singh: It is a question which I have to ask in all humility as you will find when I proceed with the question. May I ask why the hapless public servants of Punjab are being subjected to unconstitutional double jeopardy in the sense that those who did fall with the wishes of the ex-Chief Minister are about to be penalised by the Government and those who did not fall with the wishes of the ex-Chief Minister were then penalised by him?

Shri Hathi: It is too general a question. I cannot reply to it.

Mr. Speaker: What I have understood is, if they had refused to obey the orders of the Chief Minister, then they would have been penalised by him immediately and some action would have been taken. If they had obeyed his orders, they are being penalised now. Is that the question?

Shri Kapur Singh: Yes, that is the question.

Shri Hathi: If the officers have done the right and proper thing they would not be penalised.

Mr. Speaker: I can appreciate the humility now.

Shrimati Renu Chakravarty: While going through the Das Commission Report we find that there is a lot of material which has to be investigated which Shri Das himself said he could not investigate in detail. May I know why the Central Government has not taken upon itself the responsibility of directing the Special Police

Establishment to start investigating the case immediately after obtaining all the relevant files and papers?

Shri Hathi: The Special Police Establishment Act does not provide for the SPE looking into a case in a State unless the State Government requisitions the help of SPE.

Shri Hari Vishnu Kamath: In view of the grave indictment by the Das Commission, does Government propose, as a part of the follow-up action, to confiscate the ill-gotten wealth of the former Chief Minister and also debar him from public office?

Shri U. M. Trivedi: Under what law?

Shri Hathi: That will depend upon the report of the special officer after his enquiry.

Shri P. R. Chakraverti: In view of the historic findings of the Das Commission, what action has been taken against the persons directly involved pending finalisation of investigation?

Shri Hathi: As I said, action can be taken only after the receipt of the findings of the Special Officer.

श्री प्रकाशबीर शास्त्री : मैं आप से पूछना चाहता हूँ कि आप ने मेरे क्वेस्टियन को किस आधार पर डिस-एलाऊ किया है ।

अध्यक्ष महोदय : यह नहीं पूछा जा सकता है कि कोई कानून इस पर लागू होगा या नहीं ।

श्री प्रकाशबीर शास्त्री : मैं यह जानना चाहता हूँ कि सुप्रीम कोर्ट के निर्णय के आधार पर श्री कैरोँ और उन के सहयोगियों पर केस चालू किया गया है या नहीं ।

अध्यक्ष महोदय : वह कानून लागू होगा या नहीं, यह नहीं पूछा जा सकता है ।

श्री प्रकाशबीर शास्त्री : मिनिस्टर्ज भी पब्लिक सर्वेन्ट्स की कैटेगरी में आते हैं ।

अध्यक्ष महोदय : इस कानूनी प्वाइंट का फैसला करना कि वे इस में आते हैं या नहीं, यह एक लीगल क्वेस्टियन है, लीगल एडवाइस का सवाल है । किसी मिनिस्टर्ज के लिए आफहैंड यह कह देना कि वे इस में आते हैं, ठीक नहीं है । यहां पर लीगल क्वेस्टियन डिस्कस नहीं होते हैं ।

श्री प्रकाशबीर शास्त्री : मिनिस्टर्ज को यह कहने की आवश्यकता नहीं है । सुप्रीम कोर्ट स्पष्ट कह चुका है कि मिनिस्टर्ज पब्लिक सर्वेन्ट्स की कैटेगरी में आते हैं । मैं यह जानना चाहता हूँ कि क्या उस निर्णय के आधार पर श्री कैरोँ और उन के सहयोगियों पर अभियोग चलाए जायेंगे या नहीं ।

Shri Hathi: If any action is to be taken against any person and that action is sustainable under the law, that will be done.

Dr. L. M. Singhvi: We would like to know whether there is at present any proposal under the consideration of the Government to launch prosecution against any of those who have been found guilty in the Das Commission Report, whether they are politicians or public servants?

Shri Hathi: As I said, the Special Officer is collecting the relevant facts mentioned in the Das Commission Report from various files. He would be submitting his report by the 15th of this month. Then prosecutions or departmental enquiries will be started.

Dr. L. M. Singhvi: On a point of order, Sir.

Mr. Speaker: No action can be taken simply on the findings of the Das Commission. There is a follow-up proceedings. That is being done.

Dr. L. M. Singhvi: We want to know whether it is one of the terms of reference and whether it falls within the scope of the officer investigating to suggest that prosecution may be launched. Is there any proposal under the consideration of Government?

Mr. Speaker: Is that also included in the terms of reference? Will the enquiry officer be able to make recommendations that such-and-such action should be taken against such-and-such officer?

Shri Hathi: In fact, he has recommended it in certain cases; in certain other cases he is going to recommend it. As I said, by the 14th or 15th he will be dealing with nearly 6 to 7 cases which are mentioned in the Das Commission Report.

Shri Nath Pal: One hears everyday in the papers about a crusade against corruption that is being waged by the Home Minister with might and main.

Mr. Speaker: It should not be so long.

Shri Nath Pal: With all humility, I clarify. This particular instance is a crucial test of his efforts in that direction. May I know whether in the light of the recommendations of the Santhanam Commission the Government is contemplating to give effect to the recommendation that those who have been found wanting in integrity are made (a) to retire compulsorily from political life, and (b) to disgorge the ill-gotten wealth which they accumulated as a result of the abuse of the public office which they held? Are the Government and the Home Minister giving effect to those recommendations in this particular case?

The Minister of Home Affairs (Shri Nanda): So far as action is concerned, that has to be taken under the terms of the law, whatever law is applicable. As regards confiscation etc. nobody can do like that arbitrarily; nothing can be done in this country. The law has to prevail. So far as public life is concerned, that is not a matter which can be answered here in these terms. The Santhanam Committee Report has been very fully considered—many of the recom-

mendations have been adopted; a few are under consideration. There will be occasion for me to let them know whatever has been done.

Shri Nath Pal: What about implementing them specifically?

Shri Nanda: Implementation also is in progress.

Shri Hari Vishnu Kamath: They are being quietly shelved.

श्री गुलशन : मैं एक जानकारी चाहता हूँ। भूतपूर्व प्रधान मंत्री श्री जवाहरलाल नेहरू ने इस हाउस में कहा था.....

अध्यक्ष महोदय : यह वक्ता नहीं है।

श्री गुलशन : इस सवाल के बारे में मैं पूछना चाहता हूँ। भूतपूर्व प्रधानमंत्री श्री जवाहरलाल नेहरू ने इस हाउस में कहा था कि दास कमिशन की रिपोर्ट जब आयेगी तो उसके ऊपर इस हाउस में बहस होगी और हाउस को यकीन में लिया जाएगा। मैं जानना चाहता हूँ कि क्या सरकार हाउस में वह रिपोर्ट लायेगी या नहीं लायेगी ?

अध्यक्ष महोदय : आज आ रही है. आपको पता होना चाहिये।

Abolition of Privy Purses

- *64. { **Shri Yashpal Singh:**
Shri Surendranath Dwivedy:
Shri Vishram Prasad:
Shri Bade:
Shri Indrajit Gupta:
Shri Bagri:
Shri Vidya Charan Shukla:
Shri Hem Raj:

Will the Minister of Home Affairs be pleased to state:

(a) whether Government has reconsidered the question of abolition of privy purses to ex-rulers; and

(b) whether any legislation is proposed to be introduced in this connection?